

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

FRED HOLMBERG

Plaintiff,  
vs.

MISS ANNA, Official No. 592952, its  
Engines, Machinery, Appurtenances,  
etc., *In Rem*, and JOHN P.  
GARDNER, *In Personam*,

Defendants.

Case No. 3:11-cv-00056-JWS-JDR

**ORDER GRANTING STIPULATED  
MOTION FOR RELEASE OF  
VESSEL MISS ANNA FROM  
ARREST**

(Docket No. 42)

The parties filed a *Stipulated Motion for Dismissal and Release of Vessel from Arrest* at Docket 42. The Magistrate Judge filed a Recommendation at Docket 43 recommending the assigned District Court Judge approve the Stipulation regarding dismissal. Judge Sedwick entered an order dismissing the *In Personam* claims with prejudice and the *In Rem* claims without prejudice at Docket 44. Therein, Judge Sedwick also directed the Magistrate Judge to address the release of the Vessel.

Based upon the Stipulation of the Parties filed herewith,

IT IS HEREBY ORDERED that the Vessel MISS ANNA, Official No. 592952, shall be released from arrest and custody by the United States Marshal. Upon receipt

of this order, the United States Marshal for the District of Alaska is ordered to immediately direct the release of the vessel from the substitute custodian. The Vessel MISS ANNA shall be and hereby is released from further arrest by this Court. All custodial funds deposited with the Court by the plaintiff, and not expended by the U.S. Marshal, shall be refunded to plaintiff.

Dated this 16<sup>th</sup> of May, 2012 at Anchorage, Alaska.

/s/ John D. Roberts  
John D. Roberts  
UNITED STATES MAGISTRATE JUDGE